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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,488	03/27/2007	Takumi Arie	S1459.70115US00	2387
23628 7590 12/24/2009 WOLF GREENFIELD & SACKS, P.C. 600 ATLANTIC AVENUE BOSTON, MA 02210-2206				
EXAMINER				
LEIBY, CHRISTOPHER E				
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2629				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/580,488

**Applicant(s)**

ARIE ET AL.

**Examiner**

CHRISTOPHER E. LEIBY

**Art Unit**

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Detailed Action***

1. **Claims 1-6** are pending.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1, 5, and 6** are rejected under 35 U.S.C. 102(b) as being anticipated by **Aoyanagi** (JP Patent 406083296).

Regarding **independent claims 1 and 6**, Aoyanagi discloses An information providing apparatus and method comprising: image display means mounted on a mobile object (*reference [industrial application] wherein a graphical display device is mounted in a vehicle*), presenting an image display of information which assists travel of the mobile object (*reference paragraph [0002] wherein graphical device projects navigation image to facilitate the drive*); vibration detecting means detecting vibration of not smaller than a predetermined level produced on said image display means and sending a detection output signal (*paragraph [0017] wherein the video signal displacement is subtracted from the vibration detection means so vibrations not smaller than the video signal displacement is detected*); and operation control means for:

modifying a display mode of said information presented in the image display by said image display means (*paragraphs [0005] and [0008]*), when vibration of not smaller than said predetermined level produced on said image display means sustains over a period of time not shorter than a predetermined duration of positive length, and when output of said detection output signal from said vibration detecting means sustains over the same period (*paragraph [0008] wherein the detection means are over a duration of a first frame not smaller than a first frame and every frame thereafter wherein a second duration would be a second frame and third duration would be a third frame*); and

modifying the display mode of said information presented in the image display by said image display means from the second display mode to the first display mode when an absence of output of said detection output signal not smaller than said predetermined level is detected over a period of time not shorter than a predetermined duration of positive length (*as both described by applicant and paragraphs [0006]-[0009] the device detects a vibration via the accelerometer in which x and y counter-displacement values are used in an opposite direction to negate the vibration displacement occurring during normal vehicle operations in which the device is mounted, a vibration is defined as a shaking or oscillation movements meaning that the vibration on the device moves to a peak height of movement and eventually at some point [not necessarily the end point of movement] to the original position, Aoyanagi's discloses a first display mode image display without vibration, without counter-displacement values such as those vibrations detected smaller than the video signal paragraph [0017], and a second display mode image display enabling the counter-displacement of the image when a vibration is detected paragraph [0008], at the end of the oscillation or vibration back to the device's original position this*

*transitions the image display device from the send display mode of vibration correction to the first display mode of normal operation since there are no more vibrations detected at this time).*

Regarding **claim 5**, Aoyanagi discloses an information providing apparatus, wherein: said mobile object is a vehicle (*paragraph [0001] reference vehicle*), and said image display means is configured so as to present image display of a road map image having a current position of said vehicle and an image expressing a travel route superposed therein, as said information (*paragraph [0002] reference navigation image*).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 2-4** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Aoyanagi** as applied to claim 1 above, in view of **Chene et al.** (EP Patent Application 1207072), herein after referred to as Chene.

Regarding **claim 2**, Aoyanagi discloses an information providing apparatus, wherein said operation control means takes part in a control of negating vibrations of a display screen on which said information is presented as-  
an in the image display in said image display means, when output of the

detection output signal from said vibration detecting means sustains over the the period (*paragraphs [0005] and [0008] refer to rejection of claims 1 and 6*).

Aoyanagi does not specifically disclose to increase luminance over the third duration of vibration.

Chene does disclose increasing luminance to further facilitate viewing of a display for a driver in a vibration environment (*abstract and paragraph [0009]*).

It would have been obvious to one skilled in the art at the time of the invention to combine Aoyanagi's device with Chene increasing luminance over the period since this would indicate a prolonged exposure of vibration to the device and further means to increase the view ability of the screen would be warranted.

Regarding **claim 3**, Aoyanagi discloses an information providing apparatus, wherein said operation control means takes part in a control of negating vibrations of a display screen on which said information is presented as-  
an in the image display in said image display means, when output of the detection output signal from said vibration detecting means sustains over the period (*paragraphs [0005] and [0008] refer to rejection of claims 1 and 6*).

Aoyanagi does not specifically disclose to enlarging images corresponded to mark information and character information contained in said information over the third duration of vibration.

Chene does disclose enlarging images corresponded to mark information and character information contained in said information to further facilitate

viewing of a display for a driver in a vibration environment (*abstract and paragraph [00010]*).

It would have been obvious to one skilled in the art at the time of the invention to combine Aoyanagi's device with Chene enlarging images over the third period since this would indicate a prolonged exposure of vibration to the device and further means to increase the view ability of the screen would be warranted.

Regarding **claim 4**, Aoyanagi discloses an information providing apparatus, wherein said operation control means takes part in a control of negating vibrations of a display screen on which said information is presented as-  
an in the image display in said image display means, when output of the detection output signal from said vibration detecting means sustains over the period (*paragraphs [0005] and [0008] refer to rejection of claims 1 and 6*).

Aoyanagi does not specifically disclose to increasing difference in contrast between an image of high importance and an image of low importance contained in said information over the third duration of vibration.

Chene does disclose increasing difference in contrast between an image of high importance and an image of low importance contained in said information to further facilitate viewing of a display for a driver in a vibration environment (*abstract reference contrast may be adjusted to provide maximum readability which is a difference in contrast between that of what needs to be read high importance over that which either cannot be read or does not need to be read low importance*).

It would have been obvious to one skilled in the art at the time of the invention to combine Aoyanagi's device with Chene enlarging images over the period since this would indicate a prolonged exposure of vibration to the device and further means to increase the view ability of the screen would be warranted.

### ***Response to Arguments***

6. Applicant's arguments filed 10/14/2009 have been considered and are found unpersuasive and moot in regards to new grounds of rejection necessitated by amendment. In applicant's words, Aoyanagi discloses a vibration limitation means in which the graphic display is moved in a direction opposite to the of the vibration displacement. The arguments is that Aoyanagi does not disclose modifying the display mode of information when both a vibration not smaller than a predetermined level (*paragraph [0017] Aoyanagi's video signal*) and output of a detection output signal sustain over the same period. Aoyanagi detects vibration with an acceleration sensor (*paragraph [0008]*) which sends signals indicating the acceleration (*the detection output signal*). As defined by the claim a vibration detecting means performs the functions of detecting vibration of not smaller than a predetermined level produced in said image display means AND sending a detection output signal which are both performed by Aoyanagi's acceleration sensor. As described above both parts are performed within the same period, defined by the claim as a positive length. As previously argued paragraph [0008] of Aoyanagi discloses a correction means per frame, a period



of positive length. Therefor as seen by examiner Aoyanagi discloses detection of a vibration from vibration sensing means sustains over the same period of outputting the detection output signal from the vibration sensing means with Aoyanagi's paragraph [0008] and acceleration sensor which outputs signals indicative of the detection within the frame period of time. This action is final necessitated by amendment.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER E. LEIBY whose telephone number is (571)270-3142. The examiner can normally be reached on 9 - 5 Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on 571-272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CL

December 15<sup>th</sup>, 2009

/Henry N Tran/

Primary Examiner, Art Unit 2629